IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4337 OF 2004

Shri Sheynappa Namdeo Khot & Anr. .. Applicants.

V/s.

The State of Maharashtra .. Respondent.

Shri Umesh Mankapure i/by Ranjit V.More for Applicant.
Shri V.B. Konde-Deshmukh, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : 18.10.2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

. The Applicants, accused Nos. 37 and 38, were arrested in connection with C.R.15/2004 registered with Umadi Police Station, Sangli. The incident has occured because of family dispute between the two parties. It is not in dispute that the names of the applicants have not been mentioned in the first information report nor the applicants were named by any of the 35 witnesses examined during the investigation. But the applicants were arrested only on suspicion. An intriguing procedure has been

observed by the investigating officer in the present case. After the arrest of the applicants they were produced before the prosecution witnesses whose statements were already recorded. Upon which it is stated that these witnesses have identified the applicants as involved in the commission of offence. Thereafter, supplimentary statements of those witnesses have been recorded. The learned APP fairly accepts that on the date of arrest there was no material against the applicants as none of the witnesses named the applicants nor the statement of the witnesses examined mention about the involment of the applicants in the commission of offence. Taking overall view of the matter, to my mind, it is a fit case for grant of bail. Hence, following order :-

> The Applicants be released on bail in connection with C.R.No. 15/2004, registered with Umadi Police Station, Sangli on executing personal bond in the sum of Rs. 25,000/- (Rs. Twenty -five thousand only) each with one or two local sureties in the like amount.
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> The Applicants shall regularly report to the

Umadi Police Station once in a month on first Saturday of every english calendar month between 10 a.m. to 1 p.m.

The Applicants shall extend full co-operation for early disposal of the trial. If the trial court is of the opinion that the applicants are responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

The applicants shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

. Order accordingly.

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